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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,010	10/19/2004	Erik Johnsson	35301	8399
23589	7590	08/15/2007		
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			EXAMINER VALENTI, ANDREA M	
			ART UNIT 3643	PAPER NUMBER
			MAIL DATE 08/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/512,010	Applicant(s) JOHNSSON ET AL.	
	Examiner Andrea M. Valenti	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5, 7-16, 18, 19, 21-26, 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 is/are allowed.
- 6) ☐ Claim(s) 1, 2, 4, 5, 7-11, 23-26, 29, 30, 12-16, 18, 19, 21, 22, 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4, 5, 7-11, 23-26, 29, 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the teats" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 2, 4, 5, 7-11, 23-26, 29, 30 are rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent EP 0207572 to Van der Lely in view of U.S. Patent No. 6,334,406 to Eriksson.

Regarding Claim 32, Van der Lely teaches a device for cleaning the teats of an animal including at least one first conduit member (Van der Lely Fig. 3 #24 and page 9 line 36-38) and at least one teat-cleaning member (Van der Lely Fig. 2 #16) which is

Art Unit: 3643

connectable via the first conduit member to a central arrangement for supplying cleaning liquid and discharging waste liquid wherein: the teat-cleaning member includes at least two teat-cleaning cups (Van der Lely #16 connected to #17 of Fig. 3 and page 9 line 1-2) to be applied to a respective teat of the animal, the conduit assembly and two second conduit member (Van der Lely #24 and 25 above element #34 of Fig. 3) extending between a respective one of the teat-cleaning cups and the conduit assembly and wherein each teat-cleaning cup is connected to the central arrangement via the respective second conduit member and the first conduit members for supplying of cleaning liquid and providing for discharging of waste liquid.

Van der Lely teaches a carrying arrangement including a rail and carriage movable along the rail (Van der Lely Fig. 3 #31 and 32), but is silent on a carrying arrangement including a rail and carriage and the teat-cleaning member being suspended from the carriage via a wire member. However, Eriksson teaches a automated milking robot equipment (Eriksson Col. 1 line 20-21) with a rail (Eriksson Fig. 2b #63) and carriage (Eriksson actuator member inside Fig. 2b #63) via a wire member (Eriksson Fig. 2b #53). It would have been obvious to one of ordinary skill in the art to modify the teachings of Van der Lely with the teachings of Eriksson at the time of the invention since the modification is merely an engineering design choice involving the selection of a known alternate rail and carriage configuration selected for the advantage of reducing loads on the robot arm as taught by Eriksson (Eriksson Col. 1 line 60-62). The modification is merely the substitution of one known element for another to obtain predictable results.

Regarding Claim 33, Van der Lely as modified teaches at least one holding member (Eriksson Fig. 2b #55).

Regarding Claim 34, Van der Lely as modified teaches the holding member forms an open passage through which the first conduit member is movable (Eriksson Fig. 2b above element #55).

Regarding Claims 35, Van der Lely as modified teaches the device includes a balancing member enabling the teat-cleaning member to be raised and lowered by application of a force smaller than the gravity force of the teat-cleaning member proper (Eriksson Fig. 2b #59 and 51).

Regarding Claim 36, Van der Lely as modified teaches the balancing member is provided on the carriage (Eriksson Fig. 2b #59 is on/attached to the carriage, actuator and wire extending there from).

Regarding Claim 37, Van der Lely as modified teaches the balancing member is arranged to collect the wire-like member (Eriksson Fig. 2b #59, 51 and pulley attached to #51).

Claims 12-16, 18, 19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent EP 0207572 to Van der Lely in view of U.S. Patent No. 6,321,682 to Eriksson et al and U.S. Patent No. 6,334,406 to Eriksson.

Regarding Claim 12, 13, 14, 15, Van der Lely teaches at a minimum at least one milking stall (Van der Lely Fig. 1 and abstract) adapted to receive an animal to be milked comprising a milking machine having a number of teatcups (Van der Lely #14

Art Unit: 3643

and #15), but is silent on explicitly teaching a number of stations; however, merely duplicating the known element of a milking stall would have been an obvious modification for one of ordinary skill in the art for a multiple effect to accommodate a plurality of cows in an efficient manner for large scale dairy operations [*In re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960)]. Van der Lely as modified teaches a device for cleaning the teats of an animal including at least one first conduit member (Van der Lely Fig. 3 #24 and page 9 line 36–38) and at least one teat-cleaning member (Van der Lely Fig. 2 #16) which is connectable via the first conduit member to a central arrangement for supplying cleaning liquid and discharging waste liquid wherein: the teat-cleaning member includes at least two teat-cleaning cups (Van der Lely #16 connected go #17 of Fig. 3 and page 9 line 1-2) to be applied to a respective teat of the animal, the conduit assembly and two second conduit member (Van der Lely #24 and 25 above element #34 of Fig. 3) extending between a respective one of the teat-cleaning cups and the conduit assembly and wherein each teat-cleaning cup is connected to the central arrangement via the respective second conduit member and the first conduit members for supplying of cleaning liquid and providing for discharging of waste liquid.

Van der Lely as modified is silent on explicitly teaching that the cleaning device is separate from and fluidically remote from the milking machine. However, Eriksson et al teaches that it is general knowledge in the art of animal husbandry that the cleaning and milking devices and functions can be performed in combination or entirely separate (Eriksson Col.5 line 45-48). Merely separating out known functions/equipment does not

Art Unit: 3643

present a patentably distinct limitation over the prior art of record. One of ordinary skill in the art would be motivated to separate out the cleaning as a hygienic measure to prevent dirt and bacteria from entering the milking stream and the milking function might not be desired at all times when cleaning. Thus eliminating the cleaning function from the milking equipment and/or eliminating the milking function from the cleaning equipment is an obvious modification for one of ordinary skill in the art [In re Kuhle, 526 F.2d 553, 188 UPSQ 7 (CCPA 1975)].

Van der Lely as modified teaches a carrying arrangement including a rail and carriage movable along the rail (Van der Lely Fig. 3 #31 and 32), but is silent on a carrying arrangement including a rail and carriage and the teat-cleaning member being suspended from the carriage via a wire member. However, Eriksson teaches a automated milking robot equipment (Eriksson Col. 1 line 20-21) with a rail (Eriksson '406 Fig. 2b #63) and carriage (Eriksson actuator member inside Fig. 2b #63) via a wire member (Eriksson '406 Fig. 2b #53). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Van der Lely with the teachings of Eriksson '406 at the time of the invention since the modification is merely an engineering design choice involving the selection of a known alternate rail and carriage configuration selected for the advantage of reducing loads on the robot arm as taught by Eriksson '406 (Eriksson '406 Col. 1 line 60-62). The modification is merely the substitution of one known element for another to obtain predictable results.

Regarding Claim 16, Van der Lely as modified teaches the carrying arrangement includes a support arm which carries the teat cleaning member and is movable in such

Art Unit: 3643

way that positions of the teat cleaning member are reachable (Eriksson '406 Fig. 2b #39).

Regarding Claim 18, Van der Lely as modified teaches at least one holding member (Eriksson '406 Fig. 2b #55).

Regarding Claim 19, Van der Lely as modified teaches the holding member forms an open passage through which the first conduit member is movable (Eriksson '406 Fig. 2b above element #55).

Regarding Claim 21, Van der Lely as modified teaches the balancing member is provided on the carriage (Eriksson '406 Fig. 2b #59 is on/attached to the carriage, actuator and wire extending there from).

Regarding Claim 22, Van der Lely as modified teaches the balancing member is arranged to collect the wire-like member (Eriksson '406 Fig. 2b #59, 51 and pulley attached to #51).

Allowable Subject Matter

The indicated allowability of claims 12-16, 18, 19, 21, 22, 35-37 is withdrawn in view of reference(s) to U.S. Patent No. 6,334,406. Rejections based on the newly cited reference(s) follow.

Claim 31 is allowed.

Claims 1, 2, 4, 5, 7-11, 23-26, 29, 30 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments with respect to claims 32-37 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has not clearly and precisely claimed the structure and structural relationship of the rail, carriage, and balancing member. The broadly presented concepts can read on a variety of different configurations. Applicant has not distinguished over the prior art of record.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrea M. Valenti
Primary Examiner
Art Unit 3643

11 August 2007